

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

THOMAS MARTIN,

Plaintiff,

v.

CV 20-0749 JB/JHR

ARIZONA PUBLIC SERVICE,

Defendant.

**ORDER DIRECTING PARTIES TO EXCHANGE
CONFIDENTIAL WRITTEN OFFERS IN GOOD FAITH**

THIS MATTER comes before the Court following the status conference held on June 2, 2021. [Docs. 40, 41]. The parties notified the Court that they will not be able to attend a settlement conference in the next 45 days. [See Doc. 41].

Local Rule 16.2 states that “[i]n every civil case the parties must participate in a settlement conference with a Judge unless otherwise ordered by the Court,” and courts “may order the attorneys . . . to appear for one or more pretrial conferences for such purposes as: . . . (5) facilitating settlement.” D.N.M.LR-Civ. 16.2; *see* Fed. R. Civ. P. 16(a)(5). Furthermore, courts have inherent authority to, among other things, regulate their docket and promote judicial efficiency, and the rules of civil procedure “should be construed, administered, and employed by the court and the parties to secure the just, speedy, and inexpensive determination of every action and proceeding.” Fed. R. Civ. P. 1; *Martinez v. IRS*, 744 F.2d 71, 73 (10th Cir. 1984).

In an effort to facilitate a just, speedy, and inexpensive final disposition of this case, the Court orders the parties to exchange confidential written settlement offers in good faith. The Court will separately coordinate and set a status conference to determine if settlement facilitation would be helpful at this time.

IT IS HEREBY ORDERED that the parties shall exchange confidential written settlement offers in good faith no later than **August 5, 2021**.

If Plaintiff is claiming special damages — *i.e.*, damages for pecuniary losses, such as past medical expenses, lost wages, or property damages — Plaintiff's written settlement demand must itemize such special damages and state the exact dollar amount Plaintiff is claiming for each category. If a release is contemplated, defense counsel shall include a proposed form of release with its offer.



JERRY H. RITTER
UNITED STATES MAGISTRATE JUDGE